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Agenda item 94 (l)
General and complete disarmament: The Hague Code of Conduct against Ballistic Missile Proliferation

Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Burkina Faso, Canada, Chile, Colombia, Cyprus, Czech Republic, Denmark, Fiji, Finland, France, Germany, Hungary, Iceland, Iraq, Ireland, Japan, Kazakhstan, Latvia, Lithuania, Luxembourg, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Peru, Philippines, Poland, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain and Turkey: draft resolution

The Hague Code of Conduct against Ballistic Missile Proliferation

The General Assembly,

Concerned about the increasing regional and global security challenges caused, inter alia, by the ongoing proliferation of ballistic missiles capable of delivering weapons of mass destruction,

Bearing in mind the purposes and principles of the United Nations and its role and responsibility in the field of international peace and security in accordance with the Charter of the United Nations,

Emphasizing the significance of regional and international efforts to prevent and curb comprehensively the proliferation of ballistic missile systems capable of delivering weapons of mass destruction, as a contribution to international peace and security,

Welcoming the adoption of The Hague Code of Conduct against Ballistic Missile Proliferation on 25 November 2002 at The Hague,[1] and convinced that the Code of Conduct will contribute to enhancing transparency and confidence among States,

Recalling its resolutions 59/91 of 3 December 2004, 60/62 of 8 December 2005, 63/64 of 2 December 2008 and 65/73 of 8 December 2010 entitled "The Hague Code of Conduct against Ballistic Missile Proliferation",

[1] A/57/724, enclosure.

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Recalling also that the proliferation of ballistic missiles capable of delivering weapons of mass destruction, as recognized by the Security Council in its resolution 1540 (2004) of 28 April 2004 and subsequent resolutions, constitutes a threat to international peace and security,

Confirming its commitment to the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries, as contained in the annex to its resolution 51/122 of 13 December 1996,

Recognizing that States should not be excluded from utilizing the benefits of space for peaceful purposes, but that in reaping such benefits and in conducting related cooperation they must not contribute to the proliferation of ballistic missiles capable of carrying weapons of mass destruction,

Mindful of the need to combat the proliferation of weapons of mass destruction and their means of delivery,

1. *Recognizes* that 2012 marks a decade since the creation of The Hague Code of Conduct against Ballistic Missile Proliferation;[1]

2. *Notes with satisfaction* that one hundred and thirty-four States have so far subscribed to the Code of Conduct as a practical step against the proliferation of weapons of mass destruction and their means of delivery;

3. *Welcomes* the advancement of the universalization process of the Code of Conduct;

4. *Invites* all States that have not yet subscribed to the Code of Conduct to do so;

5. *Encourages* States that have already subscribed to the Code of Conduct to make efforts to increase participation in the Code and to further improve its implementation;

6. *Welcomes* the ongoing progress in implementation of the Code of Conduct, which contributes to enhancing transparency and building confidence among States through the submission of pre-launch notifications and annual declarations on space and ballistic missile policies, and underlines the importance of further steps in this direction;

7. *Encourages* the exploration of further ways and means to deal effectively with the problem of the proliferation of ballistic missiles capable of delivering weapons of mass destruction and to deepen the relationship between the Code of Conduct and the United Nations;

8. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "The Hague Code of Conduct against Ballistic Missile Proliferation".

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Sixty-seventh session
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Agenda item 94 (n)
General and complete disarmament: preventing and combating illicit brokering activities

Australia, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Chile, Cyprus, Finland, France, Germany, Iceland, Japan, Latvia, Lithuania, Luxembourg, Philippines, Poland, Republic of Korea, Romania, Slovakia, Slovenia and Sweden: draft resolution

Preventing and combating illicit brokering activities

The General Assembly,

Noting the threat to international peace and security posed by illicit brokering activities circumventing the international arms control and non-proliferation framework,

Concerned that, if proper measures are not taken, the illicit brokering of arms in all its aspects will adversely affect the maintenance of international peace and security, and prolong conflicts, and could be an obstacle to sustainable economic and social development and result in illicit transfers of conventional arms and the acquisition of weapons of mass destruction by non-State actors,

Recognizing the need for Member States to prevent and combat illicit brokering activities, which covers not only conventional arms but also materials, equipment and technology that could contribute to the proliferation of weapons of mass destruction and their means of delivery,

Reaffirming that efforts to prevent and combat illicit brokering activities should not hamper the legitimate arms trade and international cooperation with respect to materials, equipment and technology for peaceful purposes,

Recalling Security Council resolution 1540 (2004) of 28 April 2004, in particular paragraph 3, which determined that all States shall develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, illicit trafficking and brokering of nuclear, chemical or biological weapons and their means of delivery, in accordance with their national legal authorities and legislation and consistent with international law,

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Recalling also General Assembly resolution 65/75 of 8 December 2010,

Taking note of international efforts to prevent and combat illicit arms brokering, in particular in small arms and light weapons, as demonstrated by the adoption in 2001 of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,[1] and the entry into force in 2005 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[2]

Noting the report of the Group of Governmental Experts established pursuant to General Assembly resolution 60/81 of 8 December 2005 to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons[3] as an international initiative within the framework of the United Nations,

Welcoming efforts to implement the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and welcoming also in this regard the outcome document of the Second United Nations Conference to Review Progress Made in the Implementation of the Programme of Action,[4] including as it relates to illicit brokering of small arms and light weapons,

Underlining the inherent right of Member States to determine the specific scope and content of domestic regulations in accordance with their legislative frameworks and export control systems, consistent with international law,

Welcoming the efforts made by Member States to implement laws and/or administrative measures to regulate arms brokering within their legal systems,

Encouraging cooperation among Member States to prevent and combat illicit trafficking in nuclear materials, and recognizing in this regard existing efforts at all levels, including those elaborated at the 2012 Seoul Nuclear Security Summit, consistent with international law,

Encouraging Member States in a position to do so to share their experience and practices in relation to the control of illicit brokering and to further enhance international cooperation to this end,

Noting with satisfaction the activities of the United Nations Institute for Disarmament Research in relation to preventing and combating illicit brokering activities,

Acknowledging the constructive role civil society can play in raising awareness and providing practical expertise on the prevention of illicit brokering activities,

1. *Underlines* the commitment of Member States to address the threat posed by illicit brokering activities;

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[1] See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001* (A/CONF.192/15), chap. IV, para. 24.

[2] United Nations, *Treaty Series*, vol. 2326, No. 39574.

[3] A/62/163 and Corr.1.

[4] See A/CONF.192/2012/RC/4, annex I.

2. *Encourages* Member States to fully implement relevant international treaties, instruments and resolutions to prevent and combat illicit brokering activities, and takes note of the recommendations contained in the report of the Group of Governmental Experts;[3]

3. *Calls upon* Member States to establish appropriate national laws and/or measures to prevent and combat the illicit brokering of conventional arms and materials, equipment and technology that could contribute to the proliferation of weapons of mass destruction and their means of delivery, in a manner consistent with international law;

4. *Acknowledges* that national efforts to prevent and combat illicit brokering activities can be reinforced by such efforts at the regional and subregional levels;

5. *Emphasizes* the importance of international cooperation and assistance, capacity-building and information-sharing in preventing and combating illicit brokering activities, and encourages Member States to take such measures as appropriate and in a manner consistent with international law;

6. *Encourages* Member States to draw, where appropriate, on the relevant expertise of civil society in developing effective measures to prevent and combat illicit brokering activities;

7. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "Preventing and combating illicit brokering activities".